

**MINUTES  
BOARD OF APPEALS  
Monday, June 16, 2014  
City Hall, Room 604  
5:30 p.m.**

**MEMBERS PRESENT:** Don Carlson, Jim Reck, John Bunker, Thomas Hoy and Rob Marx

**MEMBERS EXCUSED:** Bob Maccaux

**OTHERS PRESENT:** Paul Neumeyer, Ald. Tom De Wane, James Spychalski, Katrina Spychalski, Robert Ellenbecker, Mike Stangel

D. Carlson called the meeting to order and asked the Board if anyone needed to abstain from voting. R. Marx stated he does work with the applicant for Item #2 and will not be abstaining. He asked if any members had gone out to the properties. T. Hoy stated he was at the property for Items #1 and #2. D. Carlson stated he was not at any of the properties. He then asked if anyone spoke to anyone regarding the variance requests. All replied no.

**APPROVAL OF MINUTES:**

Approval of the May 19, 2014, minutes of the Board of Appeals

A motion was made by J. Bunker and seconded by T. Hoy to approve the May 19, 2014, minutes of the Board of Appeals. Motion carried 4-0.

**NEW BUSINESS**

1. James B. Spychalski, property owner, proposes to widen an existing driveway in a Low Density Residential (R1) District at 3028 Jauquet Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas.

James Spychalski – 3028 Jauquet Drive: J. Spychalski stated he proposes to widen his driveway and add a cement slab to the side of his garage to park a utility trailer so vehicles don't need to be moved around. He submitted a letter from his neighbor that stated they approve of the request.

D. Carlson asked what the hardship would be if they did not approve the variance.

J. Spychalski stated the hardship would be the constant moving of vehicles on a daily basis. Moving the trailer off to the side of the garage would be a huge help. This would also help to declutter the driveway of vehicles.

D. Carlson asked what the specific variances are he is requesting.

J. Spychalski stated they want to deviate from the 2.5 ft. setback of the lot line to within one (1) ft. and a reduction of parking space from nine (9) ft. to seven (7) ft. Due to the placement of the house on the property and the lot lines, there was not enough room for a cement slab on the property.

Ald. Tom De Wane stated he spoke with the residents in the area. Those he had spoken to are in favor of this request.

D. Carlson asked P. Neumeyer what arguments would be made defending the City's ordinance regarding this variance.

P. Neumeyer stated there are two variances here to consider. The first variance regarding the paving to the lot line has been addressed many times. The second variance, the width of the parking stall, is not clearly stated in the code. Staff typically uses nine (9) ft. as a standard width for a parking stall. Residential properties are a little bit different as there might be other vehicles parked such as campers, trailers, and etc. He believes the major issue would be paving closer to the lot line and not trespassing on the neighbor's property.

J. Bunker stated he does not see a problem with the seven (7) ft. width. He does not have an issue with either request.

T. Hoy stated he appreciated the fact that J. Spsychalski went out and spoke with the neighbors as well as getting a letter from the property owner next door, which is a vacant lot. He is in favor of approving the variance.

R. Marx stated past practice has been approving variances of this nature; however, he is not sure about the seven (7) ft. width as they normally like to stick with eight (8) ft. Even though there is a vacant lot next door, it may not always be a vacant lot.

D. Carlson asked P. Neumeyer if there was an ordinance for the number of vehicles that can be parked in a driveway.

P. Neumeyer stated you can have as many vehicles as you want as long as they are legally parked.

D. Carlson stated the board is not supposed to grant variances unless there is a particular need or uniqueness to the property or hardship of the applicant. His concern is the hardship is not quite there. However, he admits there are a lot of vehicles in the driveway.

J. Bunker stated that he will make a motion to approve the variance.

R. Marx asked how far the proposed cement slab is from the front setback of the house to the back.

J. Spsychalski stated it goes to the back of the house, about 18 ft.

R. Marx stated he would like to have a maximum length added to the concrete slab.

J. Bunker stated he would add to his motion that the length of the slab cannot go more than 18 ft. back from the front of the garage.

A motion was made by J. Bunker and seconded by R. Marx to grant the variance as requested with the condition that the depth past the garage does not exceed 18 ft. Motion carried 4-0.

2. Robert & Diana Ellenbecker, property owners, propose to widen an existing driveway in a Low Density Residential (R1) District at 1349 Willow Creek Parkway. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705(a), maximum width of a driveway.

Robert Ellenbecker – 1349 Willow Creek Pkwy: R. Ellenbecker is requesting to widen his driveway at the curb from 30 ft. to 34 ft. to square it up giving him a straight line of travel into his third garage stall. He currently has to drive up onto his grass and loses his depth perception when backing in.

D. Carlson asked if it was normal practice for him to back his vehicle into the garage.

R. Ellenbecker stated yes. He backs his trailer into the garage. His driveway is steep and there is no way he can unhook the trailer and push it up the driveway. It would be easier if he had a straight shot into his garage instead of angling into the garage or driving over his lawn. He was told he could do the 30 ft. at the curb, but he is already past 25 ft. at the lot line. He did not know if he needed a variance to go up to the lot line. He would like to have it at 34 ft. so he can back straight in.

D. Carlson asked P. Neumeyer if there was any record of any variances being granted on Willow Creek Parkway for some of these lots that seem not to be in compliance.

P. Neumeyer stated he does not have that information with him, but does not recall. The area has been adhering to a standard ordinance rather than a policy that predates 2006.

T. Hoy stated he was at the property. He did go to 1350 Willow Creek Parkway and that driveway was clearly made to accommodate R. Ellenbecker's situation regarding backing up straight into their driveway.

D. Carlson asked P. Neumeyer if he was asked to defend the City's position on this, would it be just a question of aesthetics.

P. Neumeyer stated these are residential parking areas and not commercial, so the idea is to be more uniform at the property line and curb line and to reduce pavement where they can. It is mainly aesthetics.

A motion was made by R. Marx and seconded by J. Bunker to grant the variance as requested with the driveway coming straight out to meet the street. Motion carried 4-0.

3. Mike Stangel, Green Bay Area Public School District, property owner, proposes to reduce the distance between two proposed driveways and provide new paving on a property zoned Office/Residential (OR) at 139 South Monroe Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1706(e), number of driveways, Section 13-707, Table 7-2, side yard setback.

Mike Stangel – 200 S. Broadway Street: M. Stangel stated he is representing the Green Bay Area Public School District (GBAPSD). They are here tonight for 2 variances at 139 N. Monroe Street for the School of Academically Gifted Learners. He stated the site is rather small for a school of this size. The first variance is to deviate from the south lot line setback from six (6) ft. to 3.2 ft. to allow for a seven (7) ft. wide sidewalk leading to the entrances. The second variance is to construct two (2) driveways that will be less than the 200 ft. apart. The first two-way drive will be reduced from 200 ft. to 62.75 ft. and the second drive would be reduced to 195.05 ft. The sidewalk is needed due to safety concerns. Due to the size of the school, they need to try and keep every parking space.

D. Carlson confirmed with M. Stangel that by adding a one-way drive parking spots will be lost.

M. Stangel stated that is correct. This will also move the drive island next to the building and eliminate the sidewalk. This will also push the parking lot slightly towards Monroe.

J. Bunker stated this was definitely a hardship for the school and can see granting the variance.

R. Marx agreed with J. Bunker.

A motion was made by J. Bunker and seconded by T. Hoy to grant the variance as requested. Motion carried (4-0).

A motion was made by J. Bunker and seconded by R. Marx to adjourn the meeting at 5:56 p.m. Motion carried 4-0.

Meeting adjourned.